



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-2021-5

File ID: SC-2021-5 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 18 **In Control:** City Council

Department: Legal Department **Cost:** \$2,600.00 **File Created:** 11/13/2020

File Name: Special Claim from Richard Wolcott **Final Action:**

Title: SPECIAL CLAIM SC-2021-5: SUBMITTED BY RICHARD WOLCOTT IN THE AMOUNT OF \$2,600 FOR VEHICLE DAMAGE THAT OCCURRED AS A RESULT OF A COLLISION WITH A CITY PARKS DEPARTMENT VEHICLE ON JULY 9, 2020, AT THE INTERSECTION OF 24TH AVENUE NE AND EAST ROBINSON STREET.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-2021-5; and, if approved, direct payment in the agreed amount of \$2,600 contingent upon obtaining a Release and Covenant Not to Sue from Richard Wolcott.

ACTION TAKEN: _____

Agenda Date: 11/24/2020

Agenda Number: 18

Attachments: Staff Report, City Clerk Memo, Notice of Tort Claim, Estimate, Vehicle Value, Collision Report-Redacted, Photo

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sarah.encinias@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-2021-5

Body

BACKGROUND: A claim was filed by Richard Wolcott for damage to his car when it was struck by a City Parks Department truck on July 9, 2020, at the intersection of 24th Avenue Northeast and East Robinson Street.

DISCUSSION: This incident was investigated by Wade Thompson, Parks Superintendent. On July 9, 2020, a City Parks Maintenance employee was driving a City truck southbound on 24th Avenue Northeast. As the employee approached the intersection at East Robinson Street, he observed a red traffic light and stopped in position behind Mr. Wolcott's car. The employee

then attempted to get a drink of water from within the truck but his foot slipped off of the brake pedal, causing his truck to roll forward and subsequently strike the rear portion of Mr. Wolcott's car.

Mr. Wolcott provided three (3) estimates to repair damage to the rear portion of his 2004 Mitsubishi Eclipse Spyder, with the lowest estimate being \$3,623.90. The average value of his car was found to be \$2,600, an amount that is less than the cost of repair and therefore rendering the car totaled. After discussion of this situation with staff, Mr. Wolcott has agreed to accept payment of \$2,600 and to allow the City to take possession of his vehicle for salvage.

As indicated above, there appears to be possible negligence on the part of the City in this matter and consequently potential liability on the City. This claim, in the agreed amount of \$2,600 with the City taking possession of Mr. Wolcott's car as stated above, appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Richard Wolcott, in the agreed amount of \$2,600 with relinquishment of his car to the City as set forth above, be approved.